

GOVERNMENT OF ANDHRA PRADESH

ABSTRACT

Public Services – Treasuries and Accounts Department – Departmental proceedings initiated against Sri B. Narasimha Murthy, ATO O/o District Treasury, Visakhapatnam - Further action - Dropped – Orders -Issued

FINANCE (ADMN.I) DEPARTMENT

G.O.Rt.No. 1557

Dated: 23.4.2011

Read the following:

1. Govt. Memo.No.4761/87/Admn.I/A1/2005 dt 7.7.2005.
2. DTA's Charge Memo.No.K (I)2/15272/2005 dated 4.2.2006
3. Representation of the individual dated 13.5.2006.
4. DTA Proceedings No.K (I)2/15272/2005 dated 21.8.2007
5. DTA Proceedings No.K (I)2/15272/2005-1 dated 21.8.2007
6. DTA Proceedings No.K (I)2/16351/2005 dated 4.11.2010
7. Representation of the individual dated 21.4.2010.

ORDER:

Smt. T. Raja Sulochana, Staff Nurse, K.G. Hospital Visakhapatnam has made a complaint against Sri B. Narasimha Murthy, ATO, District Treasury Visakhapatnam with an allegation that he demanded an amount of Rs.25,000/- for passing her the step up bill Gross Rs.85,442/- and net amount of Rs.72,490/- with token No.13006 dated 19.7.2005. In the reference 1st read above, Govt. have issued instructions to DTA to inquire into the matter and furnish a comprehensive report in respect of Sri B. Narasimha Murthy, ATO, District Treasury, Visakhapatnam.

2. In the reference 2nd read above, on the preliminary enquiry report the DTA has framed the following charges against the accused officer:

Article of Charge –I

“That the said Sri B. Narasimha Murthy, A.T.O. while working at District Treasury, Visakhapatnam District during the period from 29.04.2005 to 10.08.2005 has irregularly passed for payment the arrears claim of Smt. T. Raja Sulochana, Staff Nurse, K.G. Hospital, Visakhapatnam in contravention of the treasury procedure, Art. 50 of A.P. Financial Code and the instructions issued in Government Memo No.50841/367/A2/PC.I/96 of Finance & Planning (Fin.Wing.PC.I) Department, dtd. 17.01.1998 and thus committed grave irregularity.”

Article of Charge –II

“That Sri B. Narasimha Murthy, A.T.O. while working at District treasury, Visakhapatnam District, has pressurized his subordinates to pass the above said bill for payment without referring the bill to the Internal Audit Cell Section and without conducting required detailed verification, as per the procedure being followed in District Treasuries. Thus he has acted in a manner which is unbecoming of Government employee, in violation of Rule 3(2) of A.P. Civil Service (Conduct) Rules, 1964.

3. In the reference 3rd read above, the charged officer Sri B. Narasimha Murthy, ATO, (Retd.) O/o District Treasury, Visakhapatnam in his written statement of defense requested to exonerate him fully of the charges and to drop further action, if any contemplated in the interest of justice and circumstances of the case.

5. In the reference 4th and 5th read above the DTA being disciplinary authority appointed Sri V. Sudhakar, Deputy Director, District Treasury, Guntur as Inquiring Authority to conduct regular inquiry into the charges framed against the retired Charged Officer and Sri K. Paleswara Rao, Deputy Director as Presenting Officer respectively.

6. In the reference 6th read above the DTA has forwarded the inquiry report of Sri V. Sudhakar, Deputy Director, District Treasury, Guntur wherein the Inquiry Officer has stated that the charge-I is PROVED as the contention of charged office that the validity period has not crossed one year is incorrect. The Charged Officer further contended that as the pay of the incumbent has already been fixed in the minimum of the time scale of RPS 1993 and RPS 1999 prior to preferring the present claim, as such the Govt. Memo.No.50841/367/A2/PC.I/1996 of Finance & Plg. (FW: PC.I) Department dated 17.1.1998 does not apply and therefore, concurrence of the Finance Department is not necessary for RPS 1993 pay fixation. On verification of the copy of the claim presented to the Treasury of, Smt. T. Raja Sulochana, Staff Nurse, KGH, Visakhapatnam has exercised option to fix her pay in PRC 1993 on 4.5.2001. The drawals of minimum pay of the time scale doesn't mean that her pay was already fixed in the revised pay scales prior to 1.1.1999. On verification of page 24 of the individual's SR, the date of pay fixation appears as 7/2001 for both RPS 1993 and RPS 1999, making the contention of the charged officer incorrect. Therefore, in view of the above findings, the charge is held **proved**. After a detailed examination of the Inquiry Report and agreeing with the findings of the Inquiry Authority, a show cause notice to the retired charged officer was issued to provide an opportunity on the findings of the inquiry, under Rule 21 of APCS (CC&A) Rules 1991. Hence the charge-I framed against Sri B. Narasimha Murthy, ATO (Retd) is held proved and given benefit of doubt on Charge-II.

7. In the reference 7th read above the DTA has furnished the explanation of the Charged Officer, B. Narasimha Murthy, ATO (Retd.) The Charged Officer in his explanation stated that a financial sanction takes effect from the date of order, unless a date is specified in the order itself. Ordinarily, a sanction lapses if it is not acted for one year. Further the nature of expenditure covered by the sanction order does not fall under the budgetary provision and in the light of the provisions contained in Article 50 of A.P. Financial Code. The payment of the incumbent had already been fixed in the minimum of the time scale of the RPS 1993 and RPS 1999 long before prior to preferring the present claim. The present claim represents differential amount due to increase in pay between the pay now fixed and the pay already fixed is one and the same time scale of pay in the r.p.s 1993 and RPS 1999, but not between the revised pay scales and the pre- revised scales of pay of the relevant period, beyond all probability that the claim does not attract violation of Govt. Memo. No. dated 17.1.1998. Further regarding validity of the sanction order, he stated that the financial sanction of any claim is valid for one year from the date of its sanction and also if the claim is

preferred within one year from the date of sanction, it should not be cancelled. But this claim was preferred within one year from the date of sanction and it is under continuous correspondence. Hence he stated that he has not violated the above said Memo. and he requested the Government to drop further action against him on par with Sri D. Satyanarayana Murthy, STO and Sri K.S. Venkateswara Rao Senior Accountant of DT, Visakhapatnam against whom the charges are dropped against them in the same case and see that justice is done to him as he retired long back.

8. Government, after careful examination of the explanation of the Charged Officer with reference to the relevant material and circumstances, observed that there was no violation of Govt. instructions for passing of arrears claim bill of Smt. T. Raja Sulochana Staff Nurse, K.G. Hospital, Visakhapatnam and no monetary loss cause to the exchequer. Therefore it is felt appropriate to take a lenient view and consider his case to drop further action against him.

9. Government therefore, hereby drop further action against the Charged Officer, B. Narasimha Murthy, ATO (Retd.) O/o the District Treasury, Visakhapatnam taking a lenient view as his co-delinquents were already exonerated and there was no monetary loss caused to the Government.

10. The Director of Treasuries and Accounts, A.P. Hyderabad shall take necessary further action in the matter accordingly.

(BY ORDER AND IN THE NAME OF THE GOVERNOR OF ANDHRA PRADESH)

L.V. SUBRAHMANYAM
PRL.SECRETARY TO GOVERNMENT (FP)

To
The Individual through the Director of Treasuries and Accounts. A.P,
Hyderabad.
The Director of Treasuries and Accounts , A.P, Hyderabad.
The A.P. vigilance Commission, Hyderabad

//forwarded::by order//

Section Officer.